

E-File: September 4, 2009

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 Debtors in Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
 THE RHODES COMPANIES, LLC, aka
 "Rhodes Homes," et al.,¹
 Debtors.

Case No.: BK-S-09-14814-LBR
 (Jointly Administered)

Chapter 11

Affects:

Hearing Date: October 2, 2009

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

Affects:

☐ All Debtors
☒ Affects the following Debtor(s)
 RHODES DESIGN AND DEVELOPMENT
 CORPORATION

Hearing Time: 1:30 p.m.
 Courtroom 1

**NOTICE OF HEARING ON MOTION OF DEBTOR FOR ORDER APPROVING
 STIPULATION TO LIFT THE AUTOMATIC STAY TO EFFECTUATE PREPETITION
SETTLEMENT WITH THE FULKS HOMEOWNERS**

PLEASE TAKE NOTICE that on October 2, 2009 at 1:30 p.m. a hearing will be held before the Honorable Linda B. Riegle in Courtroom 1 at 300 Las Vegas Boulevard South, Las Vegas, Nevada, 89101, on the *Motion of Debtor for Order Approving Stipulation to Lift the Automatic Stay to Effectuate Prepetition Settlement with the Fulks Homeowners* (the "Motion"). Pursuant to the Motion, Rhodes Design & Development Corp. ("RD&D"), one of the above-captioned debtors and debtors in possession (the "Debtors"), seeks an order approving a stipulation with the Fulks homeowners that provides for the lifting of the automatic stay for the limited purpose of authorizing the parties to take the actions necessary to effectuate a prepetition settlement (the "Settlement"), and the withdrawal of proofs of claim exceeding \$4 million in the aggregate.

RD&D believes that the Settlement is a prepetition settlement because it was entered into the record in District Court prior to the Petition Date. Nevertheless, out of an abundance of caution, if the Court believes the Settlement is not a prepetition settlement because certain actions still need to be taken to effectuate the Settlement, RD&D is seeking court approval of the Settlement pursuant to Federal Rule of Bankruptcy Procedure 9019(a). Under the Settlement, all Settlement payments on behalf of RD&D are paid by RD&D's insurer.

PLEASE TAKE FURTHER NOTICE that a copy of the Motion is being served concurrently on you and is also on file with and available from the clerk of the United States Bankruptcy Court for the District of Nevada, Foley Federal Building, 300 S. Las Vegas Blvd., Las Vegas, Nevada 89101; via the bankruptcy court's website at www.nvb.uscourts.gov (a PACER account is required); and through the Debtors' claims agent's website: www.omnimgt.com/rhodes; or by calling (866) 989-6144.

PLEASE TAKE FURTHER NOTICE that any opposition to the requested relief in the

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Motion must be filed and served pursuant to Local Rule 9014(d)(1), which provides: "Oppositions to a motion must be filed and served on the movant no later than fifteen (15) days after the motion is served except as provided by LR 3007(b) and LR 9006. If the hearing has been set on less than fifteen (15) business days' notice, the opposition must be filed no later than five (5) business days before the hearing, unless the court orders otherwise. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule." If an objection is not timely filed and served, the relief requested may be granted without a hearing pursuant to LR 9014(d)(3).

If you object to the relief requested, you *must* file a WRITTEN response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse* to allow you to *speak* at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

PLEASE TAKE FURTHER NOTICE that the hearing may be continued from time to time without further notice except for the announcement of any adjourned dates and time at the above-noticed hearing or any adjournment thereof.

DATED this 4th day of September, 2009.

LARSON & STEPHENS

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